

REMARKS/ARGUMENTS

Prior to entry of the present Amendment, claims 1-8 and 18-25 were pending, and claims 9-17 and 26-34 were previously cancelled. In the present Amendment, claims 1 and 18 are amended, and claim 3 is cancelled without prejudice. No new matter is added.

Examiner's Interview

Applicant appreciates the Examiner's time and consideration during the Interview held on March 31, 2009. During the Interview, Mr. Martyn Butterworth, the Applicant, Mr. Colin Barnes, Applicant's associate, the undersigned Applicant's representative and Examiner Janvier discussed proposed amended claims 1 and 18 and further suggested amendments to overcome the prior art rejections. The cited prior art (U.S. Patent Nos. 5,448,625 ("Lederman") and 5,937,037 ("Kamel")) was also discussed, and Applicant's representative presented reasons as to why the claims overcome the cited prior art. As discussed in the Examiner's Interview Summary and below in more detail, agreement was not reached on the claims.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1-8, 18 and 21-25 under 35 U.S.C. §103 as being obvious over Lederman or Kamel. The Examiner rejected claims 19-20 as being obvious over Lederman or Kamel in view of U.S. Patent No. 6,205,432 ("Gabbard"). Reconsideration of the rejections is respectfully requested.

Independent Claim 1

Independent claim 1 has been amended as discussed during the Interview. Amended claim 1 defines a method for transmitting pre-recorded images using telecom networks, the method including detecting when a telecommunications apparatus is used by a caller to send a message to a recipient, establishing a connection with a telecommunications apparatus of the recipient, and, thereafter, displaying a supplementary image at the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages. Claim 1 specifies that, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text, and that, if, during transmission of the

supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated.

As discussed during the Interview, Lederman discloses a telephone advertising method and apparatus in which a call between a caller and a called party is divided into a communication mode and an advertising mode. During the advertising mode, communication between the parties is interrupted, and messages are played, delivered or inserted. In Lederman, advertising only occurs after a connection is established between the parties (e.g., after the called party answers the call). See col. 7, line 56 through col. 8, line 9.

As also discussed during the Interview, Lederman does not teach or suggest, among other things, a method including detecting when a telecommunications apparatus is used by a caller to send a message to a recipient, establishing a connection with a telecommunications apparatus of the recipient, and, thereafter, displaying a supplementary image at the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages. In Lederman, advertising only occurs after the parties are connected (after the called party answers the call). Accordingly, in Lederman, advertising is not displayed to the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages.

In addition, as discussed during the Interview, Lederman does not teach or suggest that, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text. Again, in Lederman, advertising only occurs after the parties are connected (after the called party answers the call). In Lederman, if the called party has not yet answered the call, no advertising has been displayed at the telecommunications apparatus of the caller, and, therefore, there is no such advertising to replace with connection message text.

Further, as discussed during the Interview, Lederman does not teach or suggest that, if during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated. Again, in Lederman, advertising only occurs after the parties are connected (after the called party answers the call). In Lederman, if the called party answers the call, no advertising has been displayed at the telecommunications apparatus of the caller, and, therefore, there is no such advertising to terminate.

For at least these independent reasons, Lederman does not teach or suggest the subject matter defined by independent claim 1.

As discussed during the Interview, Kamel discloses a communications system for delivering promotional messages. In Kamel, promotional messages are played to a caller before proceeding with a call. See col. 9, line 60 through col. 10, line 34. Promotional messages are also played to the parties of a call during the call, and such messages to the parties interrupt the call. See col. 10, lines 35-45.

As also discussed during the Interview, Kamel does not teach or suggest, among other things, a method including detecting when a telecommunications apparatus is used by a caller to send a message to a recipient, establishing a connection with a telecommunications apparatus of the recipient, and, thereafter, displaying a supplementary image at the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages. In Kamel, promotional messages are only played to the caller before proceeding with the call or to the parties during the call (after the parties are connected). Accordingly, in Kamel, promotional messages are not displayed to the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages.

In addition, as discussed during the Interview, Kamel does not teach or suggest that, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text. Again, in Kamel, promotional messages are only played to the caller before proceeding with the call or to the parties during the call (after the parties are connected). In Kamel, if the caller proceeds with the call and the called party has not yet answered the call, no promotional messages are being displayed at the telecommunications apparatus of the caller, and, therefore, there are no such promotional messages to replace with connection message text.

Further, as discussed during the Interview, Kamel does not teach or suggest that, if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated. Again, in Kamel, promotional messages are only played to the caller before proceeding with the call or to the parties during the call (after the parties are connected). In Kamel, if the called party answers the call, no promotional messages are being displayed at the telecommunications apparatus of the caller, and, therefore, there are no such promotional messages to terminate.

For at least these independent reasons, Kamel does not teach or suggest the subject matter defined by independent claim 1.

For at least these independent reasons, Lederman and Kamel, alone or in combination, do not teach or suggest the subject matter defined by amended independent claim 1. Accordingly, independent claim 1 is allowable. Dependent claims 2 and 4-8 depend from independent claim 1 and are allowable for at least the same and other independent reasons.

Independent Claim 18

Independent claim 18 has also been amended as discussed during the Interview. Amended claim 18 defines an apparatus for transmitting pre-recorded images using telecom networks, whereby when telecommunications apparatus is used by a caller to send a message to a recipient, a supplementary image is visually transmitted from messaging equipment to the caller in addition to, or to replace, conventional connection messages, the apparatus including means for detecting a signal on a telecom system indicating that there is an incoming message transmission; means for establishing a connection with a telecommunications apparatus of the recipient; and means for responding to this detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages. Claim 18 specifies that, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text, and that, if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated.

As discussed during the Interview, Lederman does not teach or suggest, among other things, an apparatus including means for detecting a signal on a telecom system indicating that there is an incoming message transmission, means for establishing a connection with a telecommunications apparatus of the recipient, and means for responding to this detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages. In Lederman, advertising only occurs after the parties are connected (after the called party answers the call). Accordingly, Lederman, does not include means for responding to detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages.

In addition, as discussed during the Interview, Lederman does not teach or suggest that, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text. Again, in Lederman, advertising only occurs after the parties are connected (after the called party answers the call). In Lederman, if the called party has not yet answered the call, no advertising has been displayed at the telecommunications apparatus of the caller, and, therefore, there is no such advertising to replace with connection message text.

Further, as discussed during the Interview, Lederman does not teach or suggest that, if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated. Again, in Lederman, advertising only occurs after the parties are connected (after the called party answers the call). In Lederman, if the called party answers the call, no advertising has been displayed at the telecommunications apparatus of the caller, and, therefore, there is no such advertising to terminate.

For at least these independent reasons, Lederman does not teach or suggest the subject matter defined by independent claim 18.

As discussed during the Interview, Kamel does not teach or suggest, among other things, an apparatus including means for detecting a signal on a telecom system indicating that there is an incoming message transmission; means for establishing a connection with a telecommunications apparatus of the recipient; and means for responding to this detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages. In Kamel, promotional messages are only played to the caller before proceeding with the call or to the parties during the call (after the parties are connected). Accordingly, Kamel does not include means for responding to detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages.

In addition, as discussed during the Interview, Kamel does not teach or suggest that, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text. Again, in Kamel, promotional messages are only played to the caller before proceeding with the call or to the parties during the call (after the parties are connected). In Kamel, if the caller proceeds with the call and the called party has not yet

answered the call, no promotional messages are being displayed at the telecommunications apparatus of the caller, and, therefore, there are no such promotional messages to replace with connection message text.

Further, as discussed during the Interview, Kamel does not teach or suggest that, if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated. Again, in Kamel, promotional messages are only played to the caller before proceeding with the call or to the parties during the call (after the parties are connected). In Kamel, if the called party answers the call, no promotional messages are being displayed at the telecommunications apparatus of the caller, and, therefore, there are no such promotional messages to terminate.

For at least these independent reasons, Kamel does not teach or suggest the subject matter defined by independent claim 18.

For at least these independent reasons, Lederman and Kamel, alone or in combination, do not teach or suggest the subject matter defined by amended independent claim 18. Accordingly, independent claim 18 is allowable. Dependent claims 19-25 depend from independent claim 1 and are allowable for at least the same and other independent reasons.

CONCLUSION

In view of the foregoing, entry of the Present Amendment and allowance of claims 1-2, 4-8 and 18-25 are respectfully requested.

If additional consultation with Applicant's attorney will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,

/Edward R. Lawson Jr./

Edward R. Lawson Jr.
Reg. No. 41,931

Docket No. 013344-9025-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560